



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOP/155182

PRELIMINARY RECITALS

Pursuant to a petition filed January 30, 2014, under Wis. Admin. Code §HA 3.03, to review a decision by the Public Assistance Collection Unit in regard to FoodShare benefits (FS), a hearing was held on March 11, 2014, at Milwaukee, Wisconsin. The case was held open for 15 days for the agency to review information submitted at the hearing by the Petitioner. The record was closed on March 26, 2014.

There is no issue remaining for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Kristine DeBlare
Public Assistance Collection Unit
P.O. Box 8939
Madison, WI 53708-8938

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received FS benefits for his son during the period of July 1, 2012 – October, 2013.

3. On April 30, 2013, the Petitioner completed a FS review. He reported his son was residing with him.
4. On November 8, 2013, the agency received notification that the Petitioner's son was receiving FS benefits from the State of [REDACTED].
5. On November 11, 2013, the agency issued a Notice of Proof Needed to the Petitioner requesting verification of his son's living arrangement. The due date for the information was November 21, 2013. The Petitioner did not respond to the agency's request for verification.
6. Petitioner's son attended Milwaukee Public Schools through May, 2013 and resided with the Petitioner until sometime in June, 2013.
7. Petitioner did not report to the agency that his son moved to [REDACTED]. When Petitioner's son went to [REDACTED] in June, 2013, the intent was for his son to return to Wisconsin at the end of the summer. His son did not return as intended but remained in [REDACTED].
8. On December 10, 2013, the agency issued Notifications of FS Overissuance to the Petitioner informing him that the agency intends to recover an overissuance of \$373 for the period of November 19, 2012 to April 30, 2013 and \$712 for the period of May 1, 2013 – October 31, 2013 for failure to accurately report household composition.
9. On January 30, 2014, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

The Petitioner accurately reported his household composition at the time of his review on April 30, 2013. He was not required to report any changes in household composition until his next review due October, 2013. This would have affected benefits in November, 2013.

The Petitioner presented information at the hearing demonstrating that his son attended Milwaukee Public Schools through May, 2013. Based on this information, the agency has adjusted the two FS overissuance claims to \$0. Therefore, no issue remains for determination.

CONCLUSIONS OF LAW

No issue remains for determination.

THEREFORE, it is

ORDERED

That the Petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as

"PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

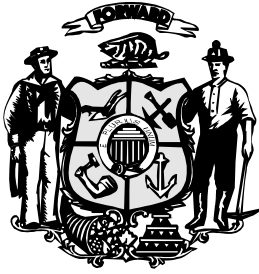
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 10th day of April, 2014

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on April 10, 2014.

Public Assistance Collection Unit
Public Assistance Collection Unit
Division of Health Care Access and Accountability